App F IX-4

Previous References

1945-46

File No 95-45

Serial Nos 55 56

ater References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Two

Part B for Subject

SUBJECT

Refund of the amount of Rs 1642 on a/c. of work of deviating the existing pipe line in his site at the Silver Jubilee park by-an-order of the Prof^r of El Engg

R 92-96 & 18/4/46 Bi-Lre

The mtl. Comm^r

Bi-Lre etc

Dir of Health

Comptroller &

Chairman Ch. Engr

Bi-Lre

Secretary The

3044/C

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

From the Director of Public Health
64-22/44 45 dated 31-10-45
States that Mr G P Das Professor
deposited a Sum of Rs 1642, to remove
some 18 yards of Sewage pipe line brought
out in the Kumbaragunda Road, that he has
applied for the refund of the amount on
the ground that that portion of the land had
been recently utilised by the Drainage Department
without paying any compensation to
them, that the City Municipal Council have
resolved that the amount cannot be
refunded, and requests orders of Govt
Submitted with a draft letter calling for
detailed report from the Municipal
Commr Bangalore City, together with a copy
of the Resolution

3/12

3/12/45

The Municipal Commr Bangalore City
L4720 dt 6-12-45
calls for information
From the Municipal Commr Bangalore City
A Y Pol 5-35, dt 26-12-45
furnishes a detailed report
the matter

NOTE—Contn Sheet

4626/L 5 3044/L

File No of 194 | General and Revenue Secretariat

Serial No

3) It is reported that in October 1939 the Director of Public Health requested the Municipal Commissioner Bangalore City to acquire a portion of Site No 7 in Kumbaregunda Road Bangalore for laying the underground service line Mr G P Das Professor, Engineering College, was the owner of the land and the area involved was 23 33 Sqs Yards

4) As the land was required for a public purpose a notice was issued to him under Section 120(1) of the City Municipalities Act and it is seen that Mr Das filed a statement on 21-2-40 to the effect that he purchased the land two years back, that he might be given an equal extent of land to the South of the Site and that if it was not possible he might be given Rs 25- per Sqs Yard as compensation

5) The acquisition of the above land was notified by Govt in May 1940 calling for objections It was reported that no objection petition was received either from the notified person or others See notification No L 9894/ML 9-39-123 dated 29-5-40 the acquisition of the

above land was finally sanctioned by Govt, the estimated cost of acquisition being Rs 77-

6) After more than four years, Mr Das requested the Municipal Comm to remove the above pipe line, as he had to construct a building on the site and Mr Das agreed to bear the entire cost of the deviation of the above pipe line, i.e Rs 1642

7) On notification no 2 S 791 / Ml 22-44-40 dated 12-12-44 the acquisition of the above property of Mr Das was withdrawn, as the pipe line was proposed to be deviated to the public street

8) On April 45 Mr Das applied to the Municipal Comm for a refund of the above amount of Rs 1642, on the ground

a) that his land was utilised without paying him any compensation

b) that if the Municipality had acquired the same, they would have had to pay Rs 600- per cent yd,

c) that the Municipality would be saving Rs 1338- even after the refund of Rs 1642 deposited by him

9) The Municipal Council have resolved

that the amount cannot be refunded to Mr D
who has also been endorsed accordingly

10) The Director of public health has forwarded
orders of Govt in the matter
5239/241

11) It is doubtful if the contention of Mr Das can
be sustained at this distance of time The city
Municipal Counsel have been informed
about the acquisition proceedings it was
certainly open to him to have raised an objection
after the issue of preliminary notification for the
acquisition of his land If the acquisition had
stood he would have been entitled to a compensa-
tion amount of Rs 77- only and if he wanted
higher compensation he had to seek relief in a
competent court of law under the A Act

12) With the above proceedings were instituted by
the Municipality at his instance

13) For orders

14) The opinion of the City Improvement
Trust Board Bangalore may be sought
on the above subject, before passing final
orders

Recd 26/1/46

15) [illegible] Govt 28/1/46

16) Pl put up after letter from [illegible]

Rec
26/1/46

46 26 v 3044 /2 J 6494

17) Send with draft letter

18) [illegible]

31/1

31/1/46

Chairman C & T Board

Letter dated 4-2-46

calls for his opinion

TYPING SECTION
1 JAN 1946
FN & FEV SECTT

From the Chairman C & T Board, Shillong

1260 dated 13-3-46

Recommends that the sum of Rs 1642-
deposited by Mr J P Das, professor, for
deviation of the existing pipe line in the
Kumbaragunda road may be refunded to him

14) The plan of the site received from the
Chairman, C & T Board, explains the position
clearly

20) The Chairman, C & T Board has recommended
the refund of the sum of Rs 1642- deposited by
Mr J P Das, on the following grounds..

1) that the Drainage Division had no
right to trespass on his property, and lay a pipe line

without his consent

2) Having done so, they were under obligation to pay him suitable compensation for the strip of land, (i.e 54 sqs yards) occupied by his pipeline and required for its maintenance

3) that the Municipal Council were not justified in calling upon him to pay the cost of deviation as the deviation would have became necessary sooner or later, in order to give underground Connection to Plot No. 2

21) Regarding point no 1 it is seen from the Municipal Commissioners report that the acquisition proceedings of this land were instituted under L.A. Act, during the year 1940, and the acquisition of this piece of land was sanctioned by Govt in Notification no L 1185-6/HL 19-40-5 dated 1-8-40 as it was reported that the notified person

Mr J P Das, did not prefer any objection to the proposed acquisition

22) It is not known on what basis the Municipal Engineer estimated the cost of acquisition of this bit of land (22 33 Sq Yards) at Rs 77- during the year 1940

23) On the other hand the Chairman Trust-Board has reported that the area involved is 54 Sq yards, the market value of the Sale Item being 5HK Rs 25- = Rs 15-5-2- including Statutory allowance

24) Re point no 2 it may be stated that the acquisition proceedings had not been withdrawn at the instance of the Party, Mr Das would have been eligible for a compensation amount of Rs 77 only, which the Municipal Council would certainly have paid him

25) Re item no 3, the deviation of the pipe

6494/L

Time was an arrangement between the Municipality and Mr J P Das mutually agreed to under the conditions obtaining then

2a) Both the Director of public Health and the Chairman, Improvement Trust Board are in favour of refunding the amount to Mr J P Das but the Municipal Council are not in favour of granting the request on the ground that the pipe line had been removed from his site at his own request and as he had made a huge profit by the sale of his site

2) For orders

2b) Issue of letter to the Chairman, calling for the return of the enclosures

30/3

To Chairman C I T Board, Bihar
Rs 10303 dt 3-4-46
calls for enclosure

TYPING SECTION
2 APR 1946

Yr 29/2 of 6494/2

From the Chairman C & T Board

Bangalore

No 10303 dt 5-4-46

Returning the resolutions of the City Municipal Council and other enclosures in connection with refunding the amount of Rs 1642- deposited by Mr J P Das professor

2) The proposal in Para 26 supra to refund the sum of Rs 1642- deposited by Mr J P Das professor for deviating the pipe line in site No 7 Kumbarapanda Road, Bangalore City, which has been agreed to by the Chairman Board and the Director of Public Health for orders.

The facts of the case are stated at pages 3 to 12 of 19 to 21

3) Kindly refer to minutes to the Sketch showing the alignment of the Sewage line in the property, and belonging to the petitioners. The point is that the

land was entered upon without the permission of the P.W. Dept and the line of the land after its execution, action was taken to regularise the same by setting the provisions of the L.A. Act in motion subsequently the proceedings were withdrawn by the Executive Engineer

31) As stated earlier in para 3 there is difference in the area acquired & the amount paid as compensation is very low, being regarded as land waste in that locality

32) When there was a possibility of laying the pipe line across the line B C-D E as is done subsequently, the same procedure should have been adopted in the first instance itself without encroaching upon Mrs J P Das's land

33) Having regard to the above facts & reasons urged by the Chairman Bhoodan Yagna Trust Board in his letter dated 11/13 3 1946. it is for consideration if the sum of Rs 1642 received from Mrs Das may not be refunded to her. Mr Das of P.W. Dept the agent when for example have also recommended the refund of the said amount as Bhoodan Yagna Trust Board have declined the refund of the amount

for orders. Sd/- 15 Sept

Sd/- 16/Sept

Under what provision of law
Can Govt interfere in this case
Sd/- 17/Sept

7229

L.

35) The question relates to refunding a sum of Rs 1642- deposited by Mr J P Das with the City Drainage Division for deviating the line running through Site No 7 though it is undoubtedly connected with the acquisition of a piece of land belonging to Mr Das

36) The Chairman C I T Board, Bangalore who is now in charge of the City Drainage Division and the Director of public Health who is was previously in charge have recommended the Refund

37) Under Section 229 of the City Municipalities Act 1933 You have powers to cancel or modify by-laws and rules of Municipal Councils

38) The question relates to the refund of a sum of Rs 1642 paid by me J P Das for the deviation of the sewer pipe line running thro his Site No 7 Kumaraswamy Road — Subsequently additional

39) The amount originally paid by him was credited to the funds of the Special

7229

damage [illegible] diversion, which were being
upon & by the Director of Public Health
who [illegible] has recommended the refund of the
amount to Mrs J P Das
Subsequently, the Chairman of the Bhowanipore Improvement
Trust Board has expressed the opinion that the
request of Mrs J P Das is reasonable & that
the refund may be given to him for reasons
stated by him
It may be stated here that the Bhowanipore
C.I. has no Locus standi in the matter
as it was not quite proper to have collected any
money from Mrs Das for effecting the diversion
of the pipe line. The pipe line was laid in
the first instance on his land without his knowledge
and subsequently action was taken to acquire the land
The acquisition proceedings were dropped afterwards
Having regard to all the circumstances of the case, it
is suggested that the refund may be granted to
Mrs J P Das as recommended both by the Director
of Public Health & the Chairman of the Improvement
Trust Board [illegible]

[illegible] Reports 24 Section

[illegible] 19/6/[illegible]

[illegible]
[illegible] 20/6

7229

4) The claim of Mr S.D. Das for a refund of the amount paid by him (Rs 1642/-) is admissible & in fairness to him has to be paid as recommended by the Director of Public Health & the Chairman Addl Improvement Trust Board. The Addl Municipality does not by which Come into the picture & they have no right to decide the amount may be refunded.

Minister for Ed" & PH) 10/7/

10/7/46

43) JHS

12/7/46

12/7

44) Dft. for Rs

12/7 MO

45) A draft G.O. is put up

15/7 MO

Office
FCR No. 1 C.P.
Date 10 7 46
No 325

7229
L

To

The Municipal Commissioner of Calcutta

Dated

Chairman, Corporation Water Supply

Commissioner of Police

L & 92=6 dt 15-9-44

Sanctions the Refund of the Sum of Rs 16 & 2

deposited by Mr G P Das Barman

GOVERNMENT OF MYSORE

Rel 95-45-56

OFFICE OF

GEN & REV SECN 3044 1945 L S G BRANCH

No C4 22/10/44 45
Encls one letter

ADDITIONAL SECRETARY No 1119

Date 30-10-1945

~~MEMORANDUM~~

To

The Additional Secretary to Government,

Bangalore

Sir,

Sub - Refund of the amount of Rs 1642 on account of the work of deviating the existing pipe line in his site at the Silver jubilee park, to Mr J P Das, Professor of Electrical Engineering, Bangalore

---

I have the honour to state that Mr J P Das Professor of Electrical Engineering, addressed the Special Officer, Bangalore city Drainage Divisi in April 1945 claiming a refund of Rs 1642 deposited by him to remove some 18 yards of sewage pipe line from site No 7 in Kumbargundi road, on the ground that this portion of the land had been recently utilised by the Drainage Department without paying any compensation to him The Special Officer recommended the refund of the amount in his letter No 296 dated 9-6-1945

After obtaining information from the Special Officer about the circumstances under which the land was acquired, the Municipal Commissioner, Bangalore city Municipality was addressed in this office letter No C 4-19 dated 24-9-1945 recomending the refund of the sum of Rs 1642 to Mr J P Das The Municipal Commissioner, Bangalore city Municipality intimates in his letter No A7-G1 1934/45 dated 10th October 1945 that the Municipal Council have resolved that the amount cannot be refunded and that the fact has also been intimated to Mr J P Das

I request you to be so good as to obtain and convey orders of Government to the refund of Rs 1642 to Mr J P Das as the Municipality will be saving about Rs 1338 (as represented by Mr Das) even with the refund of the sum, if the cost of the land acquired is taken into consideration

PTO

Copies of Special Officer's letter No 296 dated 9-6-45 referred to above and its enclosures are attached herewith for the information of Government

I have the honour to be,
sir,
Your most obedient servant,

Director of Public Health

BSN

Letter No 296 dated 9th June 1945 from the Special Officer, Bangalore city Drainage Division

---

Refund of the amount deposited by J P Das Esq , B A , M Sc , etc , on account of the work deviating the existing pipe line in his site at the Silver Jubilee park

---

In forwarding copoes of letters of Mr J P Das dated 16-4-45 and 2-5-45 addressed to me on the above subject, I have the honour to request you kindly to address the Municipal Commissioner, Bangalore city, Municipality, recommending the refund of Rs 1,642/- deposited by the party for the above work for reasons noted in his letters under reference

---

Letter Dated 16th April 45 from Mr J P Das, Professor of Electrical Engineering, Bangalore to the Special Officer, city Drainge Division, Bangalore

---

In August 1944 I paid to the Municipality Rs 1,642/- to remove some 18 yards of sewage pipe line from site No 7 now designated as No 5 A, in Kumbaragundi Road This portion of the land had been recently utilised by the Drainage Department without paying any compensation to me If this was going to be acquired, the Municipality would have had o compensate for a 5 ft width of strip in the above site Rs 3,000/- at the lowest estimate (54'x5' at Rs 100/- per syd this being the lowest cost of the land in this locality)

I request that the sum of Rs 1642/- collected from me for the diversion of this pipe line may kindly be refunded to me, in as much as the Municipality would be actually saving Rs 1,338/- by this Diversion I understood that this pipe line was run through the above land to give connections to a neighbouring house and I do not see why I should be made to suffer for the benefit and convenience of neighbouring land - lord due to no fault of mine and in view of the fact that there were alternative methods of running the pipe line so as to avoid mutilation of the above site I may kindly be permitted to mention the following facts in favour of the recent diversion kindly made by you

1 The value of the above site would have been most seriously affected if the pipe line had continued to exist

2 The opening and narrow passage of 5' thus left in the buildings in front of Sir Puttanna Chetty Town Hall would have been most unsightly and spoilt the architectural beauty of this most important locality

3 This old passage would have been utilised by the visitor s to the adja cent toddy shop as latrine and urinal, thus adding the existing insanitary conditions of the locality

4 Then again, the cost of this diversion, which has so many outstanding advantages, would be only a drop in the ocean in the recent sewage scheme now being carried out by the Municipality This diversion in addition to actually saving Rs 1,338/- of Municipalx funds was really in the nature of city improvement carried out in Public interest

Under the above circumstanc es I shall be grateful to you if you will kindly arrange to refund early the amount of Rs 1,642/- collected from me as I would not like to be put to further loss of interest on this money

---

Letter dated 25-5-45 from J P Das, Esq , B A , M Sc , Professor of Electrical Engineering, Bangalore to the Special Offifer, City Drainage Division, Bangalore

---

Further to my letter dated 16-4-1945 I would request you kindly to perm

me to furnish the following information in support of my claim

The site in question was agreed to be sold to a party and documents were accordingly drawn up and just before the final sale deed was to be executed the prospective purchaser pointed out to me the existence of the underground drainage pipe line and discovered that this seriously mutilated the property and very considerably reduced its value

This pipe line had been laid without my permission or knowledge, nor any compensation had been made to me If I had not got the pipe line removed, I would have been subjected to very heavy indemity according to agreement I was, therefore, forced to provisionaly pay the amount due to urgency of the matter to Municipality, as I felt sure that the Municipal authorities would surely be fair to me and repay the amount to me in due couse, as I could not be punished for no fault whatsoever on my part

The other course open to me was to take legal steps which I did not desire to take, holding as I did superior gazetted position in Government Service

Under these circumstances, I shall be obliged to you if you could kindly see that I am not put to any kind of loss, in view of the fact that alternative methods were available without putting me to unnecessar hardship

---

"Copies"

G Carmichael

Director of Public Health

City Municipality

L 4720

6.12.44

To

The Municipal Commr
Bangalore city

Subj - Refund of the amount of Rs 6 4 2, deposited by Mr J. P Das, Professor, for deviating the existing pipe line in site no 7 Kumbargunde Road, Bangalore

Sir,

In forwarding herewith a copy of letter no - G 4-22/44-45 dated 31-10-45 received from the Director of Public Health on the above subject, I am directed to request you to furnish a detailed

Herewith in the matter together with a
Copy of the Municipal Resolution in this
behalf, as also a copy of the endorsement
issued to Trilok Das, professor, in this
Connection

Yours
Sincerely
Rev Lee

Bangalore City Municipality

No A7 P R 535/43
Encl 3

MUNICIPAL OFFICES
Bangalore 26th Dec 1945

FROM

SAFI DARASHAH ESQ B A
MUNICIPAL COMMISSIONER
BANGALORE CITY,

BGN & P 4626 S G BRANCH

To

J B MALLARADHYA, ESQ , M A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR

Subject - Refund of amount of Rs 1642/- deposited by Mr J P Das, Professor, for deviating the existing pipe line in site No 7, Kumbaragundi Road, Bangalorc City -

---

With reference to your letter No L 4720 dated 6-12-1945 regarding the above, I have the honour to state that a reference was received on 23-10-1939 from the Director of Public Health requesting that a portion of private land in the above site may be acquired for laying the underground pipe line The Municipal Engineer was requested to send a plan and valuation statement for the purpose, and he accordingly submitted the same, the valuation statement being for Rs 77/- The area to be acquired was 22 33 sq yards

2 A notice was issued to Mr J P Das, the owner of the site under section 120(1) of the City Municipality Act to appear on 15-2-1940 with the relevant records such as title deeds etc relating to the land in question, and the latter appeared before the Municipal Commissioner on 21-2-1940 and gave a statement to the effect that he purchased the land two years previously, that he might be given an equal extent of land to the south of his site and that if this was not possible, he might be given Rs 25/- per sq yard in compensation, as he had an offer of Rs 3500/- for the site etc

3 The Director of Public Health was requested to

intimate if the laying of the underground line would ~~xxxx~~ cause any damage to the private property, and in reply to this, the Special Officer, Bangalore City Drainage Division stated in his letter No 356 dated 8/13-3-1940 that no damage would be caused to such property as the land which was intended to be acquired for laying the sewer line is a vacant land

4 The Municipal Council at their meeting held on 4-5-1940 sanctioned the plan and valuation statement for Rs 77/- submitted by the Municipal Engineer and the acquisition of the property was notified by Government in their order No L 1185-6/ 1 19-40-4 dated 1-8-1940 the cost of acquisition estimated at Rs 77/- being met out of municipal funds

5 Mr. J P Das applied to the Commissioner on 7-8-1944 requesting the removal of the pipe line, as he has to construct a building on the site This application was sent to Municipal Engineer for report He reported that the Special Officer City Drainage Division who was consulted in the matter was of opinion that the pipe line might be deviated if the party bore the cost The then Municipal Commissioner ordered on 11-8-1944 that the deviation of the pipe line might be permitted on this condition Mr J P Das was requested on 11-8-1944 to intimate, whether he ~~would~~ would be agreeable to bear the cost of deviation of the line, and in reply signified his willingness to the proposal sending, along with his letter a cheque for Rs 1192/- being the cost of deviation of the line

6 The Municipal Council at their meeting held on 13-9-1944 sanctioned the estimate for Rs 1192/- for deviating the line running through site No 7 in question

7 Mr J P Das again sent another cheque on 18-8-1944 for Rs 450/- for this work as per instructions of the Special Officer, City Drainage Division The whole amount of Rs 1642/- was sent to Special Officer City Drainage Division on 23-10-1944

8 A reference was made to Government to drop the acquisiti proceedings, as the owner of the site had deposited the cost of

of deviation of the pipe line in question, and Government in their order No L 5791-M1 22-44-40 dated 12-12-1944 withdrew the acquisition proceedings

9 Mr J P Das applied to this office on 16-4-1945 stating that he paid Rs 1642/- to remove the pipe line from site in question, that the portion of the land was utilised without paying any compensation and that if the Municipality had acquired the same they would have had to pay compensation at Rs 100/- per sq yard, and that the amount of Rs 1642/- deposited by him might be refunded to him etc This application was referred to the City Improvement Committee who opined that no refund could be granted, and the Municipal Council at their meeting held on 8-8-1945 approved the opinion of the City Improvement Committee The decision of the Council was intimated to Mr J P Das on 24-9-1945 A copy of this letter is herein enclosed as desired

10 Copies of the resolutions of the City Improvement Committee and Municipal Council are also enclosed as desired in your letter under reply

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner
sh

L 7832 / 4an
- 4246

T

The ~~Secretary~~ Chairman
C S T Board Bangalore

Subj - Refund of a sum of Rs 1642-
deposited by M/s G P Das Professor
for elevating the existing pipe line
in site No 7, Kumbaragunda Road,
Bangalore city

Sir,

I am directed to forward herewith
a copy of letter No A 7 P R 535/43
dated 26-12-45, received from the
Municipal Town Bangalore city on
the above subject and to request
You kindly to examine the question and

Forward You with Your opinion
in the matter on the report of Maj
J B - Dy
Hereon
copies of the Min of the Med
Boards etc in the subject are also sent
herewith for report
recommendation and
your report

Yours
from
Jer Rene Lee

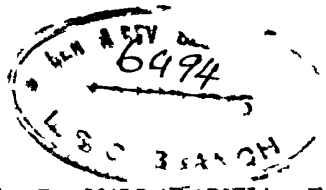
C F No 45]

T I s m ph

No 1260
Encls one

GOVERNMENT OF MYSORE

OFFICE OF
THE CITY IMPROVEMENT TRUST BOARD,
'Ranga Vilas', Seshadri Road,
Bangalore.
Date March 11, 1946.



To

J B MALLARADHYA, Esq , I A S ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Subject. Refund of amount of Rs 1,642 deposited by Mr J P Das, Professor, for deviation of the existing pipe line in Site No 7, Kumbaragundi Road, Bangalore City.

With reference to your letter No L 7832, dated the 4th February 1946 calling for my opinion regarding the request of Mr J P Das, for the refund of Rs 1,642 paid by him for the deviation of the sewer pipe line running through his site No 7 Kumbaragundi Road, I have the honour to forward herewith a plan of the site and of the adjacent properties and to state as follows -

The facts of the case as gathered from the Assistant Engineer, Drainage Division are these -

Site No (1) was once the property of Mr Das and Site No (2) stood in the name of his wife The Drainage Division wanted to connect the manhole 'A' with the manhole 'B' by means of a 7" underground sewer pipe For this purpose it was necessary to acquire a strip of Mr Das's site to a length of 54' and to a width of 8' to 10' (this is the width required for the maintenance of underground sewers). As however the matter was urgent, they appear to have proceeded with the work without consulting Mr Das or obtaining his permission This was in the year 1940 Subsequently, Mr Das got a tempting offer for his site and that belonging to his wife The would-be purchaser would not however conclude the bargain till the sewer line was removed from the site Mr Das therefore requested the Municipal authorities to deviate this sewer line The Drainage Department agreed to comply with his request provided the cost of deviation along with line 'B C D E' was deposited Mr Das accepted the condition, as otherwise, the bargain would fall through He deposited the estimated cost of the work and the line was deviated in 1942

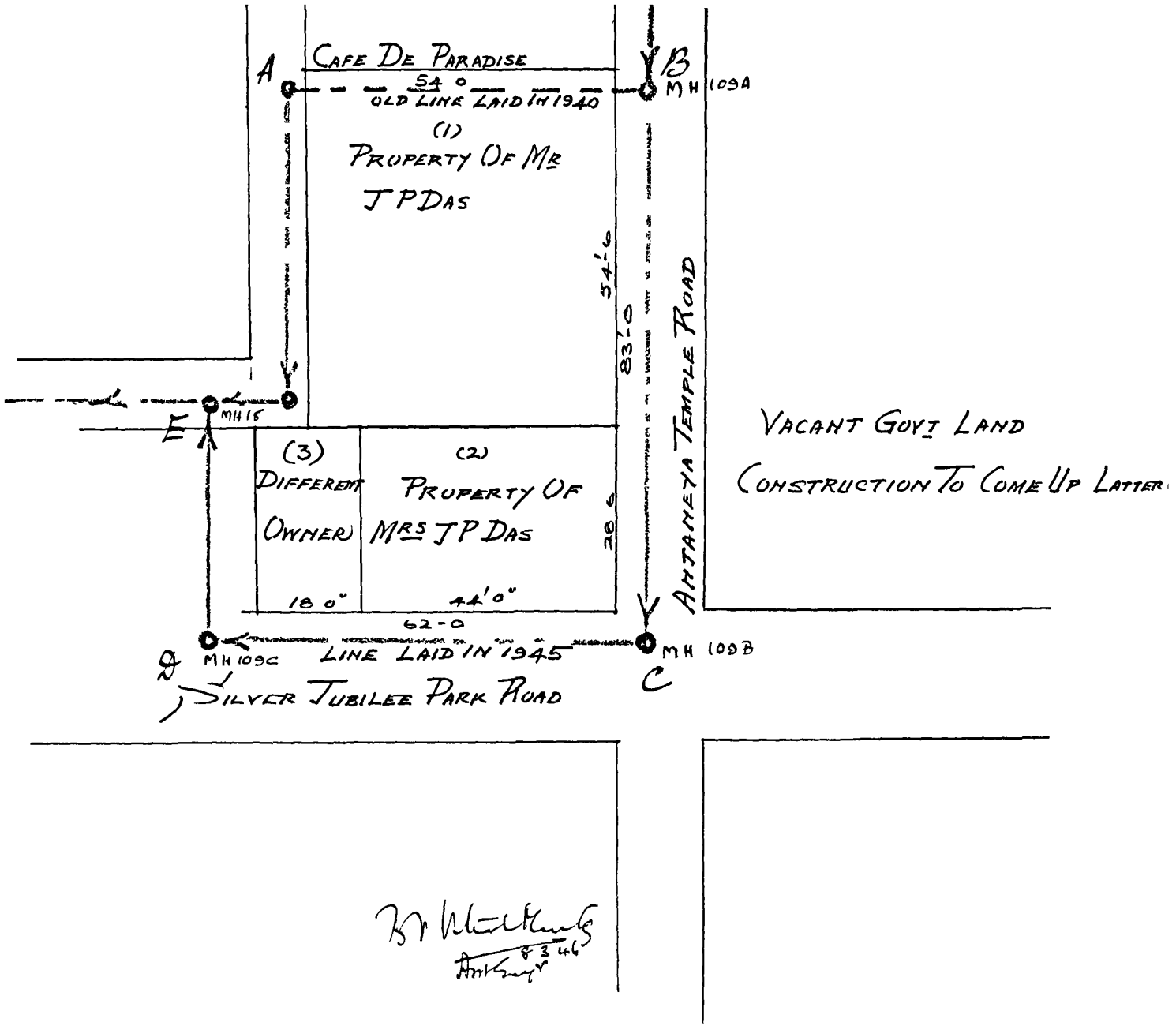
Subsequently Mr Das put in a claim for the refund of Rs 1,642 recovered from him on the grounds mentioned in his application to the Municipal Commissioner, Bangalore City Municipality When this application came up for consideration, I happened to be the Municipal Commissioner I recommended that the amount equal to the cost of acquiring a strip of Mr Das's site for laying the original pipe line be paid to him, in full settlement of his claim But the City Improvement Committee took the view, that Mr Das

could not legitimately claim the refund as the pipe line had been removed from his site at his own request and as he had made a huge profit by the sale of his site The Municipal Council accepted the opinion of the City Improvement Committee and declined to grant the refund asked for

In my opinion Mr Das has a legitimate grievance In the first place, the Drainage Division had no right to trespass on his property and lay a pipe line without his consent Secondly, having done so, they were under an obligation to pay him suitable compensation for the strip of land occupied by this pipe line and required for its maintenance - This course however was not adopted It is true that the subsequent deviation of the pipe line was at Mr. Das's request But, I do not think the authorities were justified in calling upon him to pay the cost of deviation Sooner or later it would have become necessary to lay the deviation line in order to give underground connections to site No 2 and also to the houses which would spring up in the area to the east of the Anjaneya Temple road It will thus appear that Mr Das was within his rights to claim the refund of the entire amount deposited by him But as a via media, I have suggested as the Municipal Commissioner, that he may be paid atleast the cost which the authorities would have incurred on acquisition if the old line had continued In that case, the area involved would have been 54' by 9' or 54 Sq Yds I believe that the market value of sites in this locality in 1940, when the pipe line was laid was of the order of Rs 25/- per sq yd this rate, the cost of acquisition would have amounted to Rs 1,552/- including statutory allowance This is a very conservative estimate and the difference between this figure and the amount paid by Mr Das is not appreciable Having regard to all these considerations, I am of opinion that Rs 1,642 recovered from Mr Das may be ordered to be refunded to him

I have the honour to be,
Sir,
Your most obedient servant,

CHAIRMAN,
City Improvement Trust Board,
Bangalore


A
CAFE DE PARADISE
54 0
OLD LINE LAID IN 1940
B
MH 109A
(1)
PROPERTY OF MR
J P DAS
54'6
83'-0
ANTANEYA TEMPLE ROAD
MH 15
E
VACANT GOVT LAND
CONSTRUCTION TO COME UP LATTER
(3)
DIFFEREM
OWNER
(2)
PROPERTY OF
MRS J P DAS
38 6
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MH 109C
LINE LAID IN 1945
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C
SILVER JUBILEE PARK ROAD

L 10303 5746 6.4.44 L
Immediate

1945, from
l, ary to Govern-

To The Chairman C D T Board
Bangalore

J P Das,
line in

Reference to Rs 1642 - despatched by Mr
J P Das Professor, for deviating the
pipe line in Site No 7 Kumbarapende Road
to Slum area

Sir,

With reference to Your letter No
1260, dated 13-3-44 on the above
subject, I am directed to request
you to return, very early, the Municipal resolution
and other enclosures sent to You
with this office letter No L 7032

CF No. 46]

GOVERNMENT OF MYSORE

No 1520
Encls

OFFICE OF The City Improvement Trust Board, 1945, from
Seshadri Road, Bangal[illegible] ary to Govern-

Date 9th April [illegible]

REV. SECRETARIAT 7229 13 APR 1945 SECRETARIAT BRANCH

To

Mallaradhya, Esq , I A ,
Secretary to the Government of Mysore,
Revenue Department, Ba[illegible]

Sir

Subject - Refund of amount of ₹ 1,642/-
deposited by Mr J P Das,
Professor for deviation of
the existing pipe line in site
No 7, Kumbargundi Road,
Bangalore City
- ooo -

As desired in your letter No L 10303 dated the 5th April 1946, I have the honour to return herewith the copies of Municipal resolutions and other enclosures sent with your letter No L 7832 dated the 4th February 1946

I have the honour to be,
S i r,
Your most obedient servant,

CHAIRMAN,
City Improvement Trust Board

gvm/-

Copy of letter No P R 535/45 dated the 26th December 1945, from the Municipal Commissioner, Bangalore City, to the Secretary to Government, Revenue Department, Bangalore

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Subject Refund of amount of Rs 1642 deposited by Mr J P Das, Professor, for deviating the existing pipe line in site No 7, Kumbaragundi Road, Bangalore City

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With reference to your letter No L 4720 dated the 6th December 1945 regarding the above, I have the honour to state that a reference was received on 23rd October 1939 from the Director of Public Health requesting that a portion of private land in the above site may be acquired for laying the underground pipe line The Municipal Engineer was requested to send a plan and valuation statement for the purpose, and he accordingly submitted the same, the valuation statement being for Rs 77/the area to be acquired was 22 33 sq yards

2 A notice was issued to Mr J P Das, the owner of the site under section 120(1) of the City Municipality Act to appear on 15th February 1940 with the relevant records such as title deeds etc , relating to the land in question, and the latter appeared before the Municipal Commissioner on 21st February 1940 and gave a statement to the effect tht he purchased the land two years previously, that he might be given an equal extent of land to the south of his site and that if this was not possible, he might be given Rs 25 per sq yards in compensation as he had an offer of Rs 3500 for the site etc

3 The Director of Public Health was requested to intimate if the laying of the underground line would cause any damage to the private property, and in reply to this, the Specal officer, Bangalore City Drainage Division stated in his letter No 356 dated the 8/13th March 1940 that no damage would be caused to such property, as the land which was intended to be acquired for laying the sewer line is a vacant land

4 The Municipal Council at their meeting held on 4th May 1940 sanctioned the plan and valuation statement for Rs 77 submitted by the Municipal Engineer and the acquisition of the property was notified to Government in their order No L 1185-6/M1 1940-4 dated the 1st August

the cost of acquisition estimated at Rs 77 being met out of the Municipal funds

5 Mr J P Das applied to the Commissioner on 7th August 1944 requesting the removal of the pipe line, as he has to construct a building on the site This application was sent to Municipal Engineer for report He reported that the Special Officer, City Drainage Division, who was consulted in the matter was of opinion that the pipe line might be deviated, if the party bore the cost The then Municipal Commissioner ordered on 11th August 1944 that the deviation of the pipe line might be permitted on this condition Mr J P Das was requested on 11th August 1944 to intimate, whether he would be agreeable to bear the cost of deviation of the line, and in reply signified his willingness to the proposal, sending along with his letter a cheque for Rs 1192 being the cost of deviation of the line

6 The Municipal Council at their meeting held on 13th September 1944 sanctioned the estimate for Rs 1192 for deviation the line running through site No 7 in question

7 Mr J P Das again sent another cheque on 18th August 194 for Rs 450 for this work, as per instructions of the Special Officer, City Drainage Division The whole amount of Rs 1642 was sent to Special Officer, City Drainage Division on 23rd October 1944

8 A reference was made to Government to drop the acquisition proceedings, as the owner of the site had deposited the cost of deviation of the pipe line in question, and government in their order No D 5791-A1 22-44-40 dated the 12th December 1944 withdrew the acquisition proceedings

9 Mr J P Das applied to this office on 16th April 1945 stating that he paid Rs 1642 to remove the pipe line from site in question, that the portion of the land was utilised without praying any compensation and that if the Municipality had acquired the same they would have had to pay compensation at Rs 100 per sq yard, and that the amount of Rs 1642 deposited by him might be refunded to him

him etc , This application was referred to the City Improvement Committee who opined that no refund could be granted, and the Municipal Council at their meeting held on 8th August 1945 approved the opinion ofthe City Improvement Committee The decision of the Council was intimated to Mr J P Das on 24th September 1945 A copy of this letter is herein enclosed as desired

10 Copies of the resolutions of the City Improvement Committee and Municipal Council are also enclosed as desired in your letter under reply

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Yours Faithfully
for Revenue Secy

G R S App F VI—G 2]

Proceedings of the meeting of the Council dated 8-8-1945

Sub 59 Opinion of the City Improvement Committee dated 29-6-1945 that the refund of Rs 1642/- deposited by Mr J P Das to remove the pipe line from site No 7, Fumbarundi Road be not refunded to him

Resolution - Approved

Sd/- M A Gopalaswamy Iyengar,
Honorary President

'COPY'

hsr/-

Municipal Commissioner

Proceedings of the meeting of the City Improvement Committee dated 29-6-1945

Sub 34 Application of Mr J P Das for the refund of Rs 1642/- deposited by him to remove the sewage pipe line from site No 7, Purbargundi Road Also opinion of the Municipal Advocate in the matter

Resolution No refund can be granted

Sd/- M A Gopalaswamy Iyengar,
Chairman

'Copy'

for Municipal Commissioner

Letter No A7 P R 535/43 dated 24-9-1945 from the Municipal Commissioner, Bangalore City to Mr J P Das B A , M Sc , etc , Professor of Electrical Engineering, East Road, Basavanagudi, Bangalore City

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With reference to your application dated 16-4-1945 praying for the refund of Rs 1642/- deposited by you to remove the sewage pipe line from site No 7 in Kumbaragundi Road, Bangalore City, I am desired to state that the Municipal Council at their meeting held on 8-8-1945 have resolved that the amount in question cannot be refunded

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'COPY'

Municipal Commissioner

G R S App F VI—G 2]

SUBJECT

Mod.

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 18-7 1946

Signed by Mr GRR

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section Mel

File No 95-45

Serial No 56

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter no C 4-22/44-45 dated 31-10-45, from the Director of public Health in Mysore, stating that Mr G P Das, Professor deposited a sum of Rs 1642-6 to remove some 18 yards of Sewage pipe line from his S. No 7 in the Kumbargunda Road Extension, and that he has applied for the refund of the amount on the ground that this portion of the land had been recently utilised by the City Drainage Division without his consent and without paying him any Compensation and requesting approval to refund

above amount to Rs 9 g p Das

2) Letter no A 7 p R 535/43 dated 24-12-45, from the Municipal Town Bangalore city, furnishing a report in the matter

3) Letter No 1260 dated 13-3-46 from the Chairman, C & T Board, Bangalore Bangalore, stating that Rev g p Das has a legitimate grievance as the Drainage Division had no right to trespass on his property and lay a pipe line without his consent, etc and recommending that the sum of Rs 1642/ received from him be ordered to be refunded

order no 1892-B dated

Having regard to all the circumstances of the case and the reasons urged by the Chairman C & T Board Bangalore and

List of Enclosures

Copied by

Examined by

The Director of public health — Government

Consider that the request of Mr G P Das

professor for a refund of the amount paid

by him (Rs 1642) is reasonable and

accordingly direct that the said amount

~~may~~ be refunded to him

The Chairman, C & T Board, Bangalore

is requested to take further action to

refund the amount to Mr G P Das,

professor

from

Jr Revenue Secy to Govt

The Municipal Comm, Bangalore

(thro' its Secretary)

" Director of public Health in Mysore

" Chairman, C & T Board, Bangalore

" Comptroller to Govt